

State Intellectual Property Office of People's Republic of China

Add: 25/F., Bldg.B, Tsinghua Tongfang Hi-Tech Plaza, No.1, Wangzhuang Rd.,
Haidian District, Beijing , P. R. China, Postal Code:100083

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| Applicant(s) | Nitto Denko Corporation | Issuing Date: April 28, 2006 |
| Patent Agent(s) | Wei WANG | |
| Application No. | 200410002427.1 | |
| Title of Invention | Protective Tape Used for Optical Member | |

THE FIRST OFFICE ACTION

1. ☒ The applicant filed a request for substantive examination on _____ (day/month/year). The examiner has carried out substantive examination on the above mentioned application for an invention patent in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to carry out substantive examination on the above mentioned application for an invention patent in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:
the filing date 2003.1.27 in the Japan Patent Office as the priority date,
the filing date _____ in the _____ Patent Office as the priority date,
the filing date _____ in the _____ Patent Office as the priority date,
the filing date _____ in the _____ Patent Office as the priority date,
the filing date _____ in the _____ Patent Office as the priority date.
- ☒ The applicant has provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed.
- ☐ The applicant has not provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed and the priority claim(s) is/are deemed not to have been made in accordance with the provisions of Article 30 of the Chinese Patent Law.
3. ☐ The applicant submitted amendment (s) to the application on _____ and on _____, wherein, the amendment(s) submitted on _____ and _____ on _____ are unacceptable, because said amendment(s) is/are not in conformity with
- ☐ the provisions of Article 33 of the Chinese Patent Law:
- ☐ the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable are described in the text of this Office Action.
4. ☐ The examination was carried out based on the application documents originally filed.
- ☒ The examination was carried out based on the application documents indicated below:
- ☐ Description:
- Pages 1-10 of original application documents filed on the application date,
- Pages _____ filed on; Pages _____ filed on;
- Pages _____ filed on; Pages _____ filed on;

☐ Claims:

Pages _____ of original application documents filed on the application date,

Pages 1-6 filed on 05/01/2006; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Drawings:

Pages 1 of original application documents filed on the application date,

Pages _____ filed on; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Abstract: ☐ Filed on the application date; ☐ filed on 29/01/2004

☐ Drawing selected for publication on the front page of the application: ☐ Filed on the application date; ☐ filed on 29/01/2004

5. ☐ This Notification is issued without a search having been conducted.

☒ This Notification is issued with a search having been conducted.

☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

| Serial No. | Reference document(Number or Title) | Publication Date (or Filing date of interference patent applications) |
|------------|--------------------------------------|--|
| 1 | JP9113726A | 02day 05 month 1997 year |
| 2 | US4241198A | 23day 12 month 1980 year |
| 3 | | day month year |
| 4 | | day month year |

6. The result of the examination is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope on which no patent rights shall be granted as provided by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim _____ falls into the scope, on which no granted patent rights shall be granted, as provided by Article 25 of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the definition of invention as prescribed by Rule 2(1) of the Implementing Regulations of the Chinese Patent Law.

☐ Claim _____ does not possess novelty as provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 1-3 does not possess inventiveness as provided by Article 22(3) of the Chinese

Patent Law.

- ☐ Claim _____ does not possess practical applicability as provided by Article 22(4) of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.
- ☒ Claim 4,5,6 is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.

The detailed reasoning for the above opinion is described in the text of this office action.

7. On the basis of the above opinion, the examiner holds that:

- ☐ The applicant should make amendments as required in the text of this office action.
- ☒ The applicant should provide reasons for that the above mentioned patent application can be granted patent right, and make amendments to the specification as described in the text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive contents for which patent right may be granted, if the applicant fails to provide reasons or the reasons provided are not sufficient, this application will be rejected.

8. The applicant's attention is drawn to the following matters:

- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the date of receiving this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amendment shall be submitted in duplicate copies and in the format required by the relevant provisions of the Examination Guideline.
- (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. Documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his(its) agent shall not come to the Chinese Patent Office for interview with the examiner without an appointment.

9. The text of this office action consists of a total of 2 sheets, and is accompanied by the following annexes:

- ☒ A copy of the cited reference documents consisting of 2 sets and 18 sheets.
- ☐ The _____ Examination Department

The Seal of the Examiner: Xin TU



中华人民共和国国家知识产权局

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|--|--|------|
| 邮政编码: 100083 北京市海淀区王庄路 1 号清华同方科技大厦 B 座 15 层 中科专利商标代理有限责任公司 王玮 | | 发文日期 |
| 申请号: 2004100024271 | | |
| 申请人: 日东电工株式会社 | | |
| 发明创造名称: 光学部件用保护胶带 | | |

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:
JP 专利局的申请日 2003 年 01 月 27 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 33 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的
- 审查针对的申请文件:
☐ 原始申请文件。 ☒ 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第 项、说明书第 1-10 页、附图第 1 页;
2006 年 1 月 5 日提交的权利要求第 1-6 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
2004 年 1 月 29 日提交的说明书摘要, 2004 年 1 月 29 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
编号 文件号或名称 公开日期 (或抵触申请的申请日)
1 JP9113726A 1997 年 5 月 2 日
2 US4241198A 1980 年 12 月 23 日
- 审查的结论性意见:



第一次审查意见通知书正文

申请号：2004100024271

如说明书所述，本申请涉及一种光学部件用保护胶带。经审查，现提出如下审查意见。

1. 权利要求1涉及的是一种光学部件用保护胶带。对比文件1（JP9113726A）中也公开了一种光学部件用保护胶带，包括塑料薄膜基材，在塑料膜基材一侧形成的压敏粘合剂层，和在与塑料膜基材相反的一侧上形成的弱剥离层（相当于权利要求1中的浸胶层），其中弱剥离层可以由基于长链烷基（碳原子数12以上、特别是18个碳原子）丙烯酸酯的剥离剂形成（参见说明书第2栏第29行-第3栏第40行，实施例1）。与对比文件1公开的内容相比，权利要求1的区别仅在于浸胶层的结构不同。然而，基于长链烷基丙烯酸酯的剥离剂在类似结构的胶带中用作位于基材的与粘合剂层相反一侧上的剥离层，是所属技术领域中常用的技术手段。例如，在对比文件2（US4241198A）中公开的类似结构的胶带中，包括塑料薄膜基材，基材一侧的压敏粘合剂层，和基材另一侧上的剥离层，其中剥离层具有这样的结构，其中包括（甲基）丙烯酸硬脂基酯、丙烯腈、带有可与（甲基）丙烯酸硬脂基酯和丙烯腈共聚的官能团的单体作为共聚成分的共聚物（A）通过交联剂交联（参见说明书第4栏第20-56行，第6栏第23-30行，附图1-2）。对比文件2所涉及的剥离剂可提供剥离性能的改进（参见说明书实施例1，表4），能够满足对比文件1对于剥离强度的要求，由此可见，所属领域的技术人员能够从对比文件2中得到启示，将对比文件2公开的内容结合到对比文件1的技术方案中。因此，本领域技术人员在对比文件1的基础上结合对比文件2得到权利要求1所要求保护的技术方案是显而易见的。权利要求1相对于对比文件1和2不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款关于创造性的规定。

2. 权利要求2和3是权利要求1的从属权利要求，所限定的特征在对比文件2中也已经公开，例如所述可共聚单体是带有羧基的单体（参见说明书第5栏第49-52行）；塑料膜是聚酯膜（参见说明书第1栏第12-15行）。因此，本领域技术人员在对比文件1的基础上结合对比文件2得到权利要求2和3的技术方案是显而易见的。权利要求2和3相对

于对比文件1和2不具备突出的实质性特点和显著的进步，不符合专利法第二十二条第三款关于创造性的规定。

3. 上面已经论述了独立权利要求1不能成立的理由。当独立权利要求1不能成立时，独立权利要求4、5和6之间不再具有相同或相应的特定技术特征，不属于一个总的发明构思，技术上无相互关联，不具备单一性，不符合专利法第三十一条的规定。

基于上述理由，申请人应当在本通知书指定的答复期限内，对本通知书提出的问题进行答复，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。

审查员：屠忻

代码：8614